

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

EARNEST RICHARDSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-09-340-D
	)	
U.S. MARSHAL MICHAEL ROACH, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

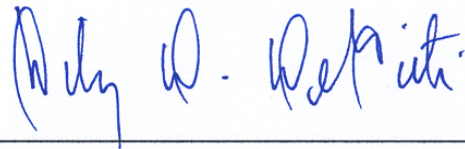
This matter is before the Court for review of the Report and Recommendation issued September 23, 2009 [Doc. No. 38] and the Report and Recommendation issued October 1, 2009 [Doc. No. 40], by United States Magistrate Judge Robert E. Bacharach pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). Judge Bacharach recommends, first, a dismissal under Fed. R. Civ. P. 12(b)(6) of Plaintiff's claims against Defendants Michael Roach and John Whetsel as time barred by the statute of limitations and, second, a dismissal under Fed. R. Civ. P. 4(m) of Plaintiff's claims against nine "John Doe" defendants for lack of timely service.

Plaintiff has not filed a timely objection nor requested additional time to object, although he was expressly advised of the right to object, the deadline for objections, and the consequences of failing to object. Thus the Court finds Plaintiff has waived further review of the issues addressed in the Reports. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996). Accordingly, the Court adopts both Reports [Doc. Nos. 38, 40] in their entirety.

IT IS THEREFORE ORDERED that Defendant John Whetsel's Motion to Dismiss [Doc. No. 15] and Defendant Michael Roach's Motion to Dismiss [Doc. No. 20] are GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Complaint against Defendants John Does I-IX is dismissed without prejudice pursuant to Fed. R. Civ. P. 4(m). A judgment of dismissal shall be entered in accordance with this Order.

IT IS SO ORDERED this 30<sup>th</sup> day of October, 2009.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE